

CORRECTED FISCAL MEMORANDUM

SB 724 – HB 1188

May 15, 2007

SUMMARY OF AMENDMENT (007196): Deletes the original bill in its entirety. Entitles all victims of sexually-oriented crimes to a free forensic medical examination. Authorizes payment up to \$750 from the Criminal Injuries Compensation Fund (CICF). Victim does not have to report the crime to law enforcement or cooperate with prosecution efforts for such claims to be eligible for payment from the CIC Fund.

FISCAL IMPACT OF ORIGINAL BILL:

(CORRECTED)

Increase State Expenditures –

\$357,000 / Criminal Injuries Compensation Fund

\$170,100 / Sexual Assault Forensic Examination Fund FY07-08

*\$60,000 / Sexual Assault Forensic Examination Fund FY08-09
and future years*

Other Fiscal Impact – Transfers one-time accrued fines of \$210,000 and recurring annual fine revenue of \$60,000 from sexual assault program services (currently unfunded) to new Sexual Assault Forensic Examination Fund.

The bill does not require the State to eliminate out-of-pocket costs to the victim for all forensic medical examinations since Sexual Assault Forensic Examination Fund funding will not cover all of the exams for victims who do not qualify under the Criminal Injuries Compensation Fund. Failure of the State to remove all out-of-pocket costs from the victim by January 1, 2009, jeopardizes an existing federal grant from the U.S. Department of Justice in the amount of \$2,500,000 annually.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

On April 26, 2007, we issued a fiscal memorandum which indicated that there would be an *increase in state expenditures of \$40,000 recurring and \$5,000 one-time/general fund; \$420,000 recurring/criminal injuries compensation fund; and an increase in federal expenditures of \$630,000 recurring.* Based on additional information provided by the Treasurer, the estimated fiscal impact of this bill is:

(CORRECTED)

Increase State Expenditures –

\$10,000 One-Time FY07-08/ CICF

\$1,682,500 FY07-08/CICF

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\$1,440,600 FY08-09/ CICF
\$715,000 FY09-10 & future years/CICF

Increase Federal Expenditures –

\$241,900 FY08-09

\$967,500 FY09-10 & future years

Assumptions applied to amendment:

- According to the Tennessee Hospital Association, at least 1,400 forensic medical examinations were performed by hospitals in 2005. According to the State Treasurer, another 750 examinations were performed by rape crisis centers. If claims for reimbursement were submitted in all cases, the total cost of these examinations would be \$1,612,500 ($750 \times 2,150$).
- The CICF will continue to receive the current reimbursement level of 60 percent from a federal government grant which is based on actual expenditures and on the federal fiscal year. As a result, in FY07-08, the increase in state expenditures for the examinations will be \$1,612,500. In the second year, the State will receive 60 percent of one quarter of the examinations performed from the federal government which will result in an increase in state expenditures of \$1,370,625 ($(\$1,612,500 \times 60\% \times .25 = \$241,875)$ ($\$1,612,500 - \$241,875 = \$1,370,625$)). In the third year and subsequent years, the State will receive the total 60 percent reimbursement from the federal government which will result in an increase in state expenditures of \$645,000.
- The Treasurer will require two new positions to handle the increase in claims at a recurring cost of \$70,000 in salary and benefits plus one-time expenditures of \$10,000 for computers, forms and other related office supplies.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/LSC

